IN

IRELAND;

TOGETHER

With the Explanations thereupon.

LONDON:

Printed by *Tho. Newcomb* for *Richard Deacon* in Fleetstreet, Clerk to the Committee of the said Adventurers.

1658.

08-1722

PROPOSALS TO THE Adventurers for Land IN IRELAND.

THat your Petitioners taking into conſideration the preſent confuſed ſtate of the Adventurers ſatisfaction in *Ireland*, and in order to remedy the ſame, have (in purſuance of your Lordſhips Letter, bearing date the Seventh day of *May*, 1658. and of the ſeveral Acts and Ordinances of Parliament thereunto relating) cauſed ſeveral things which were on their own parts to be done, to be forthwith put in hand; and have alſo here collected ſuch other things, as they humbly deſire may be done by your Lordſhips: Both which, they humbly repreſent in the ſeveral particulars following, *viz.*

I. YOur Petitioners have made a compleat Book, to be ſigned by the Committee of Claims, and themſelves, or their appointments reſpectively, containing the Debt of every Adventurer, whoſe Certificate for the ſame hath been ſtated unto this day; with the name of the Barony, wherein the ſame ought (if it may be) to be ſatisfied: As alſo the Order of Priority, wherein the ſaid ſatisfaction ought to be made.

II. They have deſired the Committee for Claims, to cauſe an Eſtimate to be made of ſuch Debts, for which no Certificates have been yet iſſued, which (as they probably conceive) will be hereafter claimed and allowed.

III. In caſe no Land be put upon the Adventurers as part of their meaſure in ſatisfaction, but ſuch as are profitable and forfeited, with all other Priviledges and Advantages according to the Acts and Ordinances of Parliament, then this Committee are of opinion, That the general Survey and Admeaſurement laſt taken by your Lordſhips, under the over-

ſight of your Surveyor-General and Dr. *William Petty* be ſubmitted to, and not otherwiſe.

IV. They deſire that ſuch Books may be made as Dr. *Petty* hath ſhewed them Forms and Patterns of (by him called Neat-Books) containing the names of the Lands ſurveyed, as forfeited, with the number of the profitable and unprofitable Acres, both according to your Lordſhips Survey, and the private Survey taken by the Adventurers (where the ſaid Adventurers Survey can be had;) as alſo the names of the Lands ſubducted out of the ſame, either upon the accompt of Decrees for conſtant good affection, *&c.* Compoſitions, private Grants and Incumbrances of any kinde whatſoever, and conſequently containing an accompt of what Lands are Neat and clearly diſpoſeable for the Adventurers ſatisfaction; together with an accompt of what Lands the Adventurers have aſſumed of themſelves, and by their own particular Survey and Rules of Diſtribution in ſatisfaction of their reſpective Debts; and withal, an accompt how the Lands now found, upon a more clear view diſpoſeable, are to be diſtributed purſuant to the more perfect Rule of diſtribution hereafter to be framed, in purſuance of this preſent Declaration and Petition. And laſtly, of the final diſtribution and ſettlement of all the ſaid Lands, according to the former or future ways of diſtribution, according to ſuch expedients of reconciliation and private Agreements, which may happen to cauſe alterations in either of the ſaid Methods of diſpoſal, deſiring your Lordſhips to contribute whatſoever is neceſſary on your Lordſhips parts, as Maps, &c. towards the making and compleating theſe ſaid Books and Accompts.

V. When the Debt and Credit of the Adventurers is aſcertained in manner aforeſaid, both in general, and alſo upon every particular Province, County, and Barony: And that thereupon an accompt is made, expreſſing what Baronies are deficient, and what have a *ſurplus*, they deſire and propound, That in order to repair the one with the other impartially, and according to all or any *Proviſoes* of the Act of Parliament in that behalf made; That it may be diſtinctly determined by Lot, which Province, County, and Barony, ſhall ſucceed each orher; That thereupon two diſtinct Liſts, the one of all the deficient Baronies, the other of all the Surpluſage Baronies, may be drawn forth; and that the Baronies contained in each, may be placed in ſuch Order of Priority, as by the ſaid Lot is or ſhall be determined. And it is further deſired and propounded, That all the Baronies of the County of *Lowth*, except the Barony of *Atherdee*, be added to the aforeſaid Liſt of Redundant Baronies, each of them in ſuch Order of Sequence, as by Lot ſhall be determined.

VI. It is humbly deſired and propounded, That if any Surpluſage ſhall appear upon the aforeſaid Liſt of Redundant Baronies (the County of *Lowth* being ſo comprehended) the ſame may be cut off upon the laſt Baronies of the ſaid Liſt: And that ſuch general Surpluſage may be withheld from diſpoſure to the Army, for ſome reaſonable time to be agreed upon; wherein your Petitioners may make out what real damages they have received by Errors in your Lordſhips ſaid Survey, which they have conditionally ſubmitted unto as aforeſaid, either as to the quantity, quality, or title of the Lands by them accepted, according to the ſaid Survey; to the end they may have due reparation for the ſame out

of

of the reſerved Surpluſage-Lands, as to your Lordſhips ſhall ſeem juſt.

VII. The ſatisfaction of the Adventurers as to the whole, being thus regulated, It is further humbly propoſed as followeth, *viz.*

1. They deſire that the Deficient Baronies may be repaired out of the Redundant Baronies one after another, according to the *Paraleliſm* of the two above mentioned Liſts of Deficient and Redundant Baronies, (that is to ſay) That the firſt Deficient Baronies may be repaired out of the firſt Redundant Baronies, and ſo downwards, until all the Deficient Baronies be compleatly ſatisfied out of ſo many of the firſt Redundant Baronies (as they ſtand in the Order of the aboveſaid Liſt) as ſhall ſuffice for the ſame.

2. Foraſmuch as there hath been already made by the Committee of Adventurers, ſeveral Rules for diſtributing of Baronies, to the particular Allottees and Individual perſons contained in them. Your Petitioners do humbly explain the cheif of the ſaid Rules as followeth, *viz.*

Where it is ſaid, That a Barony ſhall be divided into Quarters, it is to be underſtood, that all Lands, both profitable and unprofitable, forfeited and not forfeited, comprehended within the true Out-line of every ſuch Barony, be divided into four equal parts (as near as may be) whether the ſame be done by Lines of different Poſitions; as by the North and South Lines, and Eaſt and Weſt Lines together, or by Parallel Lines and ſuch as are of the ſame Poſition, whether they bear North and South, or Eaſt and Weſt, or upon any other point onely.

And whereas the ſaid Diviſional Lines being intended to be ſtraight, may probably cut many Denominations into two parts. Your Petitioners deſiring that intire Denominations may be preſerved as much as poſſible, do explain themſelves, That they intend, that on which ſide ſoever of the aforeſaid Quartering Line, the greateſt part of any Denomination falleth, That the whole Denomination ſhall be reputed and deemed to lie intirely on that ſide of the ſaid Quartering Line; both which Explanations your Petitioners humbly deſire may be applied to the matter of Subquartering where any ſuch thing hath been agreed upon.

3. And as to the third, that there may be certain Rules, (where ſuch Rules are not already) for paſſing from the firſt Denomination (which ſoever the ſame be) to the Second, Third, Fourth, Fifth, *&c.* Your Petitioners deſire that the ſame may be for the future determined, and to that end they propound, That every Barony being duly quartered by Rule, or the mutual conſent of the Major part of the Adventurers concerned therein as aforeſaid, may be reduced (as to the ſeveral Denominations comprehended therein) into one continued File or String of Contiguity, ſo as it may be certainly known from the firſt to the laſt diſpoſable Denomination, or part of Denomination, in what Order of Priority each of them ſhall be diſpoſed of. And this we deſire may be done by three ſeveral Artiſts (from whom the knowledge of the Liſts of Priority of Lots contained in the Debt Books, may be carefully withheld) and that they make their ſaid Strings of Contiguity in the preſence of ſome perſons to be intruſted for that purpoſe; and that when three ſuch Strings are ſo made, that one of them be choſen by Lot, as the onely Rule to be obſerved in the matter of Succeſſion.

4. They further propound, That the perſons imployed in making the ſaid Files of Contiguity, do determine by what Line every Town-Land ſhall be cut, in caſe there be occaſion thereof, for making up a juſt number of Acres anſwering to each Lot or Debt.

Now although it be wiſht, That the above-mentioned Rules of Diſtribution (as being ſuppoſed perfect Rules) had been followed in the Adventurers former receiving of Lands for ſatisfaction, yet hoping that the proceedings of many ſuch Adventurers (though made otherwiſe) have not been either contrary to their own Rules, or injurious to their Fellow-Concernees. Your Petitioners humbly propound, That Diſtinctions may be made between ſuch of the ſaid former Diſtributions as are fit to be continued from ſuch as are not; in order whereunto, they offer that Diſtribution be made according to the above-mentioned ſuppoſed perfect Rule forthwith, by ſuch Inſtruments as your Lordſhips ſhall think fit, together with a like number (to be alſo approved by your Lordſhips) ſuch as ſhall be humbly recommended by your Petitioners. And that the ſaid Diſtribution being ſo made, be forthwith ſealed up and kept private until Examination be had of the aforeſaid former proceedings of the Adventurers; to which end it is humbly propounded,

Firſt, That a perſon or perſons be appointed at *London* and at *Dublin*, both to receive from all ſuch Adventurers, who are already poſſeſſed of Lands, for their ſatisfaction, an accompt of what Lands, by name, they are ſo poſſeſſed of, with an intimation of their deſire to continue in the ſame, in caſe no injurious irregularity can be made appear to have been practiſed by them in acquiring the ſaid ſatisfaction.

Secondly, Your Petitioners think fit publick notice being given in Churches, in *Diurnals*, and by all other convenient ways, both in *England* and *Ireland*, That ſuch accompts or deſires ought to be brought unto the perſons which ſhall be nominated as aforeſaid; That ſuch Adventurers as do not bring in the ſaid accompts or deſires within two moneths after the above-mentioned ſuppoſed perfect Rule is declared to be ſealed up, ſhall not have any benefit of their ſaid former received Lands or Poſſeſſions, not being according to the ſaid Rule: And withal, that all Surveys made, at the charge of the Adventurers, which ſhall not be brought in and exhibited within the ſaid two moneths time, either at *London* or *Dublin*, ſhall be declared null; and that the Diſtributions made upon them, be conſequently declared null and void likewiſe.

Thirdly, They humbly propound, That the perſon or perſons to be appointed at *London* to receive the ſaid Surveys, (and the above-mentioned deſires of particular Adventurers, to continue in their ſatisfactions formerly received) do tranſmit the ſaid Surveys and deſires to the above-mentioned Committee at *Dublin*, conſiſting both of your Lordſhips Inſtruments, and of thoſe other perſons recommended by the Adventurers as aforeſaid. To the end, that the reaſonableneſs of the ſaid deſires, as alſo of ſuch other deſires as ſhall be exhibited at *Dublin* may be examined; in order whereunto your Petitioners humbly propound,

1. That the Diſtribution to all perſons who are concerned in a Barony, whereof the Survey is not produced as aforeſaid be null.

2. That although the Survey be produced, yet if the Barony-Plot (whereby the Diſtribution of the ſaid Barony hath been actually made) hath not been according to the appearing Out-line of the ſame, divided into

four

four parts, anſwerable to the four proportions or quarters of money reſpectively, which appear by the Book of Lots, to have been drawn upon them: But that there is contained in one or more of the Quarters above Fifteen *per cent.* more or leſs then there ought to be. Your Petitioners conceive that ſo groſs a miſcarriage in the Foundation of the Diſtribution, is a ſufficient Reaſon why all the Diſtributions founded thereupon ſhall be declared null.

3. Where the States Survey maketh more diſpoſable Acres in any Barony, then the private Survey exhibited by the Adventurers doth, (whether the ſame happen by the Adventurers omitting of certain parcels taken in by the State, or by reaſon difference in diſtinguiſhing the quality, or through difference in admeaſurements (ſuch difference in admeaſurements not exceeding three *per Centum*, upon the profitable and forfeited Lands of the whole Barony) It is thought fit to avoid that neceſſity of impoſing ſmall ſcraps of Land upon ſome deficient Adventurers) That ſo much of the ſaid Diſtribution be null, as is ſubſequent to the firſt irregularity; and that the above-mentioned Diſtribution made by the ſuppoſed perfect Rule be adhered unto in lieu thereof: Provided, That thoſe who are removed by vertue hereof, ſhall be allowed the value of their neceſſary improvements, as the ſame ſhall be ſet, by indifferent perſons to be choſen for that purpoſe.

4. They humbly propound, that in all other Caſes, the Diſtribution made by the Adventurers ſhall ſtand, unleſs in the particular Caſes of Individual perſons hereafter named, *viz*;

I. Where a ſatisfaction conſiſting of ſeveral denominations, is in length, from one extremity thereof to the other, more then triple the breadth of the ſame, (Provided that the Lines by which length and breadth are computed do croſs one another at right Angles) except where the ſaid proportion or ſatisfaction, as to the quantity, could not be ſet out otherwiſe, then in ſuch diſproportionable figure. And except ſuch diſtribution be acquieſſed in by all, or the major part of the contiguous Allottees, which kinde of acquieſſence your Petitioners account a General Exception to all paticular irregularities; foraſmuch as the ſame cannot be injurious, where all the major part of the perſons concerned are contented, and do allow of the ſame.

II. When in proceeding from a point of beginning according to any Line of progreſſion, the ſubſequent denomination is either not contiguous to ſome of the preceding, or not moſt according to the ſaid Line of progreſſion. As for Example, if the point of beginning or entrance, be in the Denomination *A*, and that the Line of progreſſion be from North to South, and the Denomination taken next after *A*, be *B*, your Petitioners do underſtand, that if there be any other Denomination contiguous to *A*, whereof any part is more Northerly then any part of *B*, in ſuch caſe the Denomination *B* is injuriouſly taken.

III. If (to make up a Satisfaction for any Lot) more then two Denominations (by Denomination, being underſtood the diſpoſable part of a Denomination) be cut, we conceive the ſame to be injurious.

IV. If a Denomination be omitted by the firſt private Diſtribution, which is admitted by the ſuppoſed perfect Liſt, all thoſe Allottees, whoſe Proportions touch the ſame omitted parcel, ſhall be held guilty of that Omiſſion; and if but one Allottees Proportion touch the ſame, as

aforeſaid

aforeſaid; Then the ſaid Allottee, by reaſon of the ſaid Omiſſion is removeable, but if there be more then one in ſuch caſe, one of them is to be choſen by Lot, who by removal is alone to ſuffer for the whole, Except it can be made appear, that at the time of the ſaid Diſtribution, ſome Claim was entered upon the Publick Book of the Civil Survey, or that ſome order of Suſpention from the Councel be produced which might be a Reaſon and Excuſe for the ſaid Omiſſion.

5. That all Poſſeſſions taken by Deficients of Surpluſages in Lands, without Lots drawn for the ſpecial County, Barony, and Denomination, where ſuch poſſeſſions are, or ſhall be, or without publication of the Allotments aforeſaid, and freedom for all others in the like caſes to the like Lots, be utterly void.

We further propound, that after the expiration of the two moneths appointed for bringing in the Surveys, and deſires of continuing each man in his reſpective poſſeſſion; that another time ~~to~~ be appointed for thoſe who ſhall make the ſaid deſires, to prove that the Poſſeſſions were allowed unto them in the former Diſtribution, and withal to anſwer ſuch charges of injurious irregularities which may be made againſt the ſame.

Having thus framed a ſuppoſed perfect Rule of Diſtribution, as alſo Rules whereby to reject ſome of the former Diſtributions totally; and withal, how to diſtinguiſh the deſigned and injurious irregularities committed within other Diſtributions (although allowed of in general) and having propounded the perſons by whom, and the places where this whole affair is to be tranſacted in its ſeveral parts reſpectively. It is laſtly propounded, That all omitted Caſes not reducible to the above Propoſals; and that the interpretation of all Ambiguities upon the ſaid Propoſals themſelves, be referred to the aforeſaid Commiſſioners as ſuch in whoſe determination your Petitioners are contented to acquieſs.

Now although your Petitioners are not ignorant, that the right of making a Survey is in your Lordſhips; and that the Act of Parliament gives your Lordſhips clear power to decide Controverſies between Adventurer and Adventurer: Nevertheleſs your Petitioners humbly deſire, That out of a tender regard to the confuſions wherein they are involved, and to the ſeveral repugnant Intereſts, which are or may be among them; that your Lordſhips would be pleaſed to exerciſe your ſaid Authority (ſo far as may be without prejudice to the Publick) according to the above mentioned Advice, which by your Lordſhips favor and invitation, they have been imboldned in this manner to preſent.

Explanations, Amendments, and Additions, of the aforeſaid Declaration and Petition.

IN purſuance of your Lordſhips own favor and juſt endeavors, of preventing unneceſſary Removals; and in conſideration of your Petitioners readineſs to ſubmit to your Lordſhips Survey; Your Petitioners deſire that three *per centum* difference in Admeaſurements between your Lordſhips Survey and the Adventurers be not taken notice of; *viz*, In ſuch Caſes where the Adventurers private Survey hath been already made uſe of, as to Diſtribution; and where no other cauſe appears for nulling the ſaid Diſtribution, then the ſaid difference in quantity: Your Petitioners pray, that ſuch diſtributions be neither annulled, nor that any retrenchment be made where the Adventurers Survey differeth not above three *per centum* from the States.

2. Your Petitioners humbly deſire, That by the word Null, in the above Petition and Declaration, where it is ſaid (that ſo much of the ſaid Diſtribution be Null, as is ſubſequent to the firſt irregularity) ſhall not be intended to remove any perſon out of the Barony, if there be Land enough there for his ſatisfaction, but onely into his right and proper place within the ſame.

3. Your Petitioners further deſire, that they may have the full benefit intended them by the ſeveral Acts of Parliament in the matter of Woods; And foraſmuch as the latter Acts of Parliament ſeem(though in words only, as your Petitioners hope) to be more hard towards the Adventurers, then the preceding Acts were upon which they lent their money. Your Petitioners deſire that your Lordſhips, in tender conſideration thereof, would at leaſt allow them the full benefit, as aforeſaid, of the ſaid latter Acts according to the moſt favorable interpretation that the words of them will bear.

4. Although your Petitioners have already deſired, that the agreement of the major part of the Parties concerned may be an univerſal Exception to Irregularities; yet they deſire, for the further and more particular ſecurity of all thoſe, who by ſuch agreement have made their Diſtributions, Subdiviſions and Settlements by parallel Lines, without regard to the former diſtinctions by Plow-lands, Town-lands, *&c.* That ſuch Diſtributions by parallel Lines may ſtand, where other injurious, irregularities, and juſt cauſes of alteration are not found in ſuch proceedings.

5. Whereas your Petitioners have by the third Article of their above Petition and Declaration ſubmitted to your Lordſhips Survey, with condition that no Land be reckoned to them as ſatisfaction, which ought to be caſt in over and above their meaſure; and foraſmuch as ſeveral contro-

verſies may ariſe thereupon, the deciſion whereof (if not made in ſome ſpeedy and regular way) may prove a great cauſe of delay and vexation to your Petitioners: They therefore humbly pray, That where complaints of Error in the Survey, as to profitable Lands ſhall be made, that your Lordſhips will appoint the Clarks of the Council (upon application made unto them by the above Commiſſioners for regulation) to iſſue out ſuch Commiſſions of courſe to the Sheriffs of the reſpective Counties for empanelling Juries, reviewing of Lands, where the Complaints are, &c. as may be ſufficient for the ends above mentioned, and that the Determination of ſuch wrongs, as alſo the Repairations of them (where there is cauſe) may be in the ſaid Commiſſioners, according to the above Petition and Declaration.

6. And for the better aſcertaining of Lands decreed away upon claims, or compounded for: That the ſaid Commiſſioners upon reviewing of the Neat-Books, may upon better information take other Lands into charge, that are are left out of charge, and put any other Lands out of charge, that are given in charge.

7. That their Lordſhips will be pleaſed to reſerve all the forfeited Lands within the Adventurers moyety of the ten Counties, and *Lowth*, for and towards the Adventurers ſatisfaction onely, until all and every the reſpective Adventurers be ſatisfied their particular Proportions, for the ſums by them ſubſcribed and paid, and until they be repaired for ſuch Damages as they ſhall receive by errors or miſtakes of Survey, as alſo by Incumbrances on their reſpective Lands.

Laſtly, Your Petitioners do humbly deſire, that ſuch determination and final ſettlement of every Adventurers ſatisfaction, as ſhall be agreed upon by the above mentioned Commiſſioners authorized by your Lordſhips, may be approved of by your Lordſhips, and confirmed with the Seal of the Council of *Ireland*, and that the Survey whereupon the Certificates for the ſame are grounded, may be atteſted by the Surveyor-General: And that your Lordſhips would, together with the ſaid Approbation, give Warrant to the Sheriffs of the reſpective Counties to deliver poſſeſſion according to the ſaid Certificates reſpectively.

FINIS.